In the High Court for the States of Punjab and Haryana, at Chandigarh.

RSA No.487 of 2007 (O&M)
Decided on February 19,2007

Union of India and another --- Appellants

vs.

Hoshiar Singh son of Dhan Singh --- Respondent.

Present: Mr. Anil Rathee, Advocate,for the appellants

Pritam Pal,J:(Oral)

This Regular Second Appeal by Union of India and another, is directed against judgment and decree dated December 13,2006, passed by learned District Judge, Jind, whereby suit filed by the respondent/plaintiff(hereinafter referred to as 'the respondent') for recovery of Rs.64,500/- on account of damage caused to his house was decreed with costs with future interest @ 6% per annum from the date of filing of the suit till realization.

Suffice it to say that the appellants/defendants (hereinafter referred to as 'the appellants') had dug out a *trench* for laying underground telephone cables by the southern side of the house of the respondent. On account of that act of the appellants, cracks had developed in the house of the respondent. Ultimately, the respondent had to leave his house as the same had become unfit and unsafe for human habitation. He had also taken another house on rent @ Rs.500/- p.m. The evidence led by the respondent consisted in his statement and other witnesses in respect of the damage caused to his house was also corroborated by the Architect,

Sh. Dharamvir PW-1 and photographs mark 1 to mark 8. Besides that, there is also documentary evidence on the file consisted in Ex. P-1 scaled site plan, Exs. P-2 and P-3, estimates of damage, Ex. P-4, a copy of legal notice dated June 29,2002, sent under postal receipts Exs.P-5, P-6 and Ex P-7, copy of application made by the respondent and addressed to the Deputy Commissioner in open *darbar*.

Taking an over-all view of the facts and circumstances of the matter, no interference is called for in any of the findings arrived at by the learned first Appellate Court. Moreover, learned counsel also could not make out any substantial question of law in this appeal for consideration by this Court.

This this Regular Second Appeal stands dismissed in *limine*.

February 19,2007 (Pritam Pal)
RR Judge